



NEWS RELEASE

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PUBLIC LAND TRESPASS AND DAMAGE SETTLEMENT

Fairbanks, Alaska – United States Attorney Nelson P. Cohen announced that in cooperation with the United States Department of Justice (DOJ), the Bureau of Land Management (BLM) has settled a two-year-old disputed trespass case with five Alaska residents.

As part of the settlement agreement with DOJ, Richard C. Ballow, Connie D. Ballow, Daniel D. McCabe, Robert C. Dodge, and John D. Bradshaw have each paid to BLM, \$2,500 to cover administrative, rehabilitation and stabilization costs to cover damages to public land that resulted from their use of a tracked vehicle called a small unit support vehicle (SUSV) during a 2005 moose hunt.

According to Assistant United States Attorney Stephen Cooper, who negotiated the settlement, the trespass and land damage incident occurred in Mosquito Flats, north of Tok, Alaska, in September 2005. Other hunters in the area reported the individuals to the Alaska State Troopers. Alaska Department of Natural Resources (DNR) policy restricts off-highway vehicle weights in the area to under 1,500 pounds and the SUSV weighed well in excess of that limit.

The SUSV traveled approximately 35 miles on state land, then trespassed on approximately five miles of wet and boggy lowlands administered by BLM, by causing what BLM considered “appreciable damage.”

The SUSV created a visible and illegal two-track trail which destroyed vegetation and created deep depressions that filled with water, subsequently melting the underlying permafrost in sections. BLM regulations define as a prohibited trespass any land use that causes “appreciable damage.”

BLM and DNR were notified of the incident after the hunters left the area. Over the next several months, BLM Law Enforcement conducted an investigation and interviewed the individuals and witnesses to the incident. In the spring of 2006, BLM and DNR resource specialists conducted aerial and ground inspections after snowmelt to document the land and resource damage caused by the SUSV.

McCabe, Dodge and Bradshaw cooperated with officials during the investigation. The Ballows contested BLM’s allegations of trespass and “appreciable damage” to public lands and resources. The United States Attorney’s Office in Fairbanks filed a lawsuit against the Ballows in U.S. District Court, seeking monetary reimbursement for administrative costs, rehabilitation and stabilization costs.

The settlement agreement was entered into by the U.S. Attorney's Office and the individuals to avoid a protracted legal challenge. The \$12,500 total payment settles all claims and is not an admission of liability or fault by the individuals.

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